

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANE IAN BONNEY,

Plaintiff,

00-cv-8270 (JGK)

- against -

ORDER

JANET RENO, ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

The Court received the attached letter from Mr. Boney, which the Court forwards to the Federal Defenders for any appropriate action. If the Federal Defenders has any conflict, it should advise the Court.

SO ORDERED.

Dated: New York, New York
July 14, 2020

/s/ John G. Koeltl
John G. Koeltl
United States District Judge

Goodday Honorable Judge Koell,

In good faith I send this letter, that we ask the Court to liberally view as a motion for the Courts intervention or reengagement of this matter. Initially it was this same Court and your honorable person who issued a Stay in the matter while the matter was yet undecided, this Stay was ignored and I was removed, i.e., deported.

As well as the Stay, the Court also Appointed Counsel, and herein resides my plea to this Court for the issuance of compliant Counsel.

The eventuality of events come from the Second Circuit Court of Appeals which found that A.C.d.p.a. had impermissible retro effect and vacated all the rulings of the BIA.

My Court Appointed Counsel informed me of this. Approximately one year and five or six months after I received a call from Counsel stating that the government said they will give me a 212 c Waiver hearing and that the U. S. Marshall will pick

me up and take me to Sullivan State Correctional facility, of course I am thinking you have got to be crazy, this is August 2006; I was returned to Trinidad on 7th January 2002.

I informed my Court appointed Counsel that I was not going into any Custodial agreement, he said he would relay this to whomsoever; with in three hours to my surprise, I mean it was over a year and a half since the courts made it. He stated the government insisted on custodial stipulations, I refused, he agreed for me without my consent. We had a curt and brief conversation where he stated that's what the government insisted and he found me another attorney.

Whether this has reliance there was a 1983 Civil action adjudicating the government one of which was that the matter was ongoing and as such no civil procedures can occur. This matter was dismissed in accordance with this law in August and in September, my appointed counsel agreed without my consent to everything it would seem.

My refusal to these stipulations would be verified by my ultimate refusal to turn myself in to the US Marshalls and the closing of the matter by the government.

Due to my 1983 Civil action that was being adjudicated, in 2008 I was sent parole papers in accordance with 71 Fed Reg 27587-88, I proceeded to JFK where

the aforementioned occurred. On returning to my country of birth, I initiated an inquiry by my wife member of Congress.

The end result of these actions was somehow my wife was allowed to sit for my Adjustment of Status as was proscribed by 71 Fed Reg, this was approved and a pre approved visa was issued. At the interview in the embassy it was learned that ICE had placed a Final Order of deportation on my file. This was also inquired about with the response being an Administrative Error and for me to report to the Embassy. For what it was unclear to the administration in the embassy or myself since the ball should have been in their court. They indicated all flags were removed.

This was in 2014 and the run around still continues as we have been waiting for another visa that has been approved in accordance with my matter, also nothing since 2018. We have again sent another inquiry to the Oversight Committee of the House of Representatives and that is pending.

We have been open and persistent in these ~~matters~~ matters but we could use some muscle, so we ask the Court, once again, to hear our plea and assist in our quest for justice. We pray as we thank you for your time and the opportunity to believe someone will stand by the rules as they are written. Thank you.

Sincerely,

Wane L Boney (868-765-6235)

Barbara Boney (910-289-9672)

MANDATE

SDNY (New York)
00-cv-8270
KoelH, D.J.

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

----- x
DANE IAN BONNEY,

Petitioner-Appellant,

- v. -

JOHN ASHCROFT, U.S. Attorney General,

Respondent-Appellee.
----- x

Dkt. No. 03-2949-pr

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IMMIGRATION REVIEW
BOARD OF
IMMIGRATION APPEALS
OFFICE OF THE CLERK

2006 JAN 10 P 3 25

WHEREAS, petitioner-appellant, Dane Ian Bonney ("Bonney"), a native and citizen of Trinidad, filed the above-captioned appeal from a September 9, 2003 judgment entered by the United States District Court for the Southern District of New York, which denied Bonney's petition for a writ of habeas corpus ("habeas petition") challenging his final order of removal;

WHEREAS, on April 3, 1984, Bonney pleaded guilty to robbery with a deadly weapon in the Circuit Court of the State of Maryland, County of Prince George, and was sentenced to a term of six years' imprisonment, with all but 18 months suspended, and five years' probation;

WHEREAS, on April 19, 1994, Bonney was convicted after jury trial in the Supreme Court of the State of New York, Kings County, of criminal sale of a controlled substance, and was sentenced to a term of 7½ to 15 years' imprisonment;

WHEREAS, in a decision dated April 30, 1998, the Board of Immigration Appeals ("BIA") affirmed an October 17, 1997 decision of an Immigration Judge ("IJ"), which held, *inter alia*, that Bonney had been rendered ineligible for relief under former § 212(c) of the Immigration and Nationality Act of 1952 ("INA"), by the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), Pub. L. No. 104-132, § 440(d), 119 Stat. 1214 (effective April 24, 1996),

Certified:

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pursuant to the Attorney General's decision in Matter of Soriano, 21 I. & N. Dec. 516 (A.G. Feb. 21, 1997) (AEDPA § 440(d) applied to limit the availability of § 212(c) relief for any aliens who were not already in deportation proceedings as of AEDPA's April 24, 1996 effective date);

WHEREAS, the district court held that although Matter of Soriano had been overruled, in part, by the Supreme Court's decision in INS v. St. Cyr, 533 U.S. 289 (2001) (repeal of § 212(c) relief impermissibly retroactive as applied to pre-AEDPA guilty pleas), and that § 212(c) relief remained available for Bonney's 1984 robbery conviction, such relief was not available for his 1994 jury trial conviction for criminal sale of a controlled substance pursuant to this Court's decision in Rankine v. Reno, 319 F.3d 93 (2d Cir. 2003) (elimination of § 212(c) not impermissibly retroactive with respect to decision to stand trial as opposed to plead guilty);

WHEREAS, the district court did not reach the Government's alternative argument that Bonney was independently ineligible for § 212(c) relief because at the time of the BIA's decision, Bonney had served more than five years' imprisonment for aggravated felonies if the terms of confinement for his 1984 and 1994 convictions were aggregated;

WHEREAS, during the pendency of Bonney's appeal of the district court's denial of his habeas petition:

1. This Court issued its decision in Restrepo v. McElroy, 369 F.3d 627 (2d Cir. 2004), which held that the elimination of § 212(c) relief would have an impermissible retroactive effect as to an alien who may have refrained from filing an affirmative § 212(c) application after his trial conviction and prior to AEDPA's enactment;

2. The Executive Office for Immigration Review issued regulations providing that, for the purpose of determining whether an alien is ineligible for § 212(c) relief

under the five-year bar, the time an alien served for an aggravated felony (or felonies) obtained by guilty plea prior to November 29, 1990 would not be included in the calculation, see 8 C.F.R. § 1212.3(f)(4)(ii) (2004); and

3. This Court issued its decision in Edwards v. INS, 393 F.3d 299 (2d Cir. 2004), which held that prison time accrued for an aggravated felony conviction after the BIA wrongfully pretermitted an alien's application for § 212(c) relief under Matter of Soriano did not count for purposes of determining whether an alien is ineligible for § 212(c) pursuant to the five-year bar;

WHEREAS, Bonney claims in his appeal to this Court that he is eligible for § 212(c) relief, notwithstanding his trial conviction, pursuant to Restrepo; and

WHEREAS, at the time of the BIA's affirmance of the IJ's denial of Bonney's application for § 212(c) relief pursuant to Matter of Soriano, Bonney had not accrued five years' imprisonment for his 1994 conviction;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties that:

1. The above-captioned petition for review shall be and hereby is dismissed with prejudice and without costs or attorney's fees to any party, pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure.

2. The April 30, 1998 decision of the BIA shall be, and hereby is, vacated, and the matter remanded to the BIA, which, in turn shall remand the matter to an IJ for a hearing on Bonney's application for § 212(c) relief and a decision on the merits.

3. The Government will arrange for Bonney's travel to the United States for the purpose of attending his § 212(c) hearing.

Dated: New York, New York
November 22, 2005

FEDERAL DEFENDERS OF NEW YORK, INC.

By:


BARRY D. LEIWANT, ESQ.
52 Duane Street, 10th Floor
New York, NY 10007
Telephone No.: (212) 417-8742

Dated: New York, New York
November __, 2005

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Respondent

By:

ANDREW M. McNEELA
Assistant United States Attorney
86 Chambers Street, 3d Floor
New York, NY 10007
Telephone: (212) 637-2741

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U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A031 133 180 - New York, NY

Date:

MAR - 6 2009

In re: DANE IAN BONEY a.k.a. Ian D. Bonney

IN DEPORTATION PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

APPLICATION: Section 212(c) waiver of inadmissibility

ORDER:

The respondent, a native and citizen of Trinidad, appeals the Immigration Judge's decision dated December 2, 2008, denying his application for a waiver of inadmissibility under section 212(c) of the Act, 8 U.S.C. § 1182(c). The appeal will be dismissed. Regardless of the respondent's eligibility for such discretionary relief, we find for the reasons set forth in the Immigration Judge's decision that an exercise of discretion in favor of the respondent would not be warranted. *Matter of Goldeshtein*, 20 I&N Dec. 382 (BIA 1991); see *Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *Matter of Marin*, 16 I&N Dec. 581 (BIA 1978).

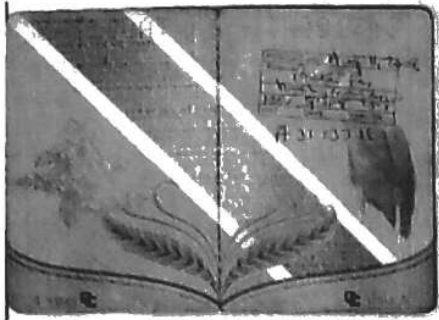
Accordingly, the respondent's appeal is dismissed.



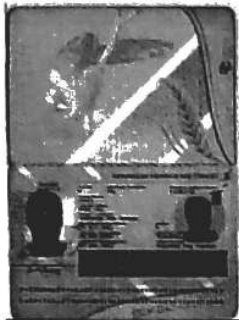
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the United States, was out of the United States for more than five years, there are some unusual factual issues. The Court has considered how to deal with those factual issues, and I believe the best way, in the interest of justice and to be fair to the Respondent, is to essentially set that time aside for most purposes. I am not basing any decision on the fact that the Respondent having served seven years in New York State prison, then spent about seven years living in a different country from his close relatives. That would be weakening the Respondent's discretionary showing in this case based on a legal error through the Department of Justice, and that would clearly be wrong. It is necessary, to some extent, to take into account the fact that the Respondent lived in Trinidad for these years, but otherwise I've tried to set it aside from my decision, and we might say act as though it never really happened. [Not because I want to forget the error, but because I want the Respondent's case to be considered in the light it would be considered if he had not been mistakenly deported, and then allowed to come back to the U.S.]

The Respondent is required to show that he deserves the relief he is seeking, the 212(c) waiver, as a matter of discretion. Ordinarily, we say that the Court has to balance all the positive factors that are shown in the record against the negative factors, and determine whether it's in the interest of the community, or the country, that the Respondent be allowed to remain in this country.

copy
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANE IAN BONNEY,

Petitioner,

OO Civ. 8270 (JGK)

- against -

ORDER

JANET RENO, Attorney General,

Respondent.

JOHN G. ROEHL, District Judge:

Petitioner Dane Ian Bonney, appearing pro se, petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. This case has been assigned to this judge as related to Nicholas v. Reno, 97 Civ. 6892.

By Order dated May 15, 2000, Barry D. Leiwant, Esq., Attorney-in-Charge of The Legal Aid Society, Federal Defender Division, Appeals Bureau, was assigned in the interests of justice pursuant to 18 U.S.C. § 3006(a)(2)(B) to represent all pro se petitioners whose cases are accepted by the Court as related to Nicholas. Therefore, having accepted OO Civ. 8270 as related to Nicholas, the Court appoints Mr. Leiwant to represent the pro se petitioner Dane Ian Bonney in all matters relating to his petition for a writ of habeas corpus.

In order to preserve the Court's jurisdiction over this case, the Court has previously ordered that the petitioner's removal or deportation is stayed until further order of the Court

ursuant to this Court's Order of November 17, 1999.

ated: New York, New York
January 4, 2001



John G. Koeltl
United States District Judge

U.S. Department of Homeland Security

USCIS

301 ROYCROFT DRIVE

DURHAM, NC 27703



U.S. Citizenship and Immigration Services

Monday, October 1, 2012

BARBARA BONEY
279 DEER TRACK
BURGAU NC 28425

Dear Barbara Boney:

On 09/25/2012 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	Applicant or Petitioner
Attorney Name:	Information not available
Case type:	I130
Filing date:	05/04/2009
Receipt #:	WAC-10-027-10902
Referral ID:	T1B2691200083CSC
Beneficiary (if you filed for someone else):	Information not available
Your USCIS Account Number (A-number):	Information not available
Type of service requested:	Non-Delivery of Approval Notice

The status of this service request is:

[On July 2, 2010, we created and mailed you an Approval Notice at the address we had on file at that time.] You have notified us that you have not received it and the post office has not returned it to us. We must conclude that it has been lost. If you need a copy of your approval notice for legal purposes, you will need to file Form I-824, Application for Action on an Approved Application or Petition. You can download this form from our website www.uscis.gov. If you already have a National Visa Center (NVC) case number, or with the USCIS receipt number you already have, you can check on your case status by directly contacting the NVC by telephone at 603-334-0700 or via email at NVCINQUIRY@state.gov.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must submit Form AR-11 AND notify this office of their change of address, within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). To notify this office of a move, visit our website at: www.uscis.gov or call the National Customer Service Center at 1-800-375-5283. The Form AR-11 can be downloaded from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. Instructions for filing the Form AR-11, including mailing instructions, are included on the Form.

U.S. Citizenship and Immigration Services

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U. S. Department of Homeland Security

United States Citizenship and Immigration Services
301 Roycroft Drive
Durham, NC 27703

transferred.
7-28-#PIS2010709005 weeks 6-8

Date: June 14, 2010

File Number: WAC1002710902

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BRING WITH YOU	Any Requested Supporting Documents

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Jeffrey Sapko

Jeffrey Sapko
Field Office Director

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